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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202126
Party	Defendant Next Thing Productions, Incorporated
Correspondence Address	GUY VINCENT MANNING, ESQ. LAW OFFICES OF GUY V. MANNING 1407 TEXAS ST STE 102 FORT WORTH, TX 76102-3428  guyvmann@flash.net
Submission	Answer
Filer's Name	Guy V. Manning
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Date	11/28/2011
Attachments	Kantz.ANS.Tuneville Word.pdf ( 6 pages )(39008 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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**ZYNGA, INC.**

Opposer

v.

**NEXT THING PRODUCTIONS, INC.**

Applicant

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Opposition No. **91202126**

Serial No. **85/196735**

**APPLICANT'S ANSWER TO OPPOSITION**

Applicant, **NEXT THING PRODUCTIONS, INC.**, by its undersigned attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant ADMITS that Opposer develops games for use on computers and wireless devices, as alleged in **Paragraph 1** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 1** of the Notice of Opposition.
2. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the allegations set forth in **Paragraph 2** of the Notice of Opposition.
3. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the allegations set forth in **Paragraph 3** of the Notice of Opposition.
4. Applicant ADMITS that Exhibit A to the Notice of Opposition contains what purports to be a registration certificate No. 3,773,188, for a trademark “YoVille”, as alleged in **Paragraph 4** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 4** of the Notice of Opposition.

5. Applicant ADMITS that Exhibit B to the Notice of Opposition contains what purports to be a copy of a US registration certificate, No. 3,861,862, for a trademark “FARMVILLE and Design”, as alleged in **Paragraph 5** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 5** of the Notice of Opposition.
6. Applicant ADMITS that Exhibit C to the Notice of Opposition contains what purports to be a copy of a US registration certificate, No. 3,861,880, for a trademark “FARMVILLE”, as alleged in **Paragraph 6** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 6** of the Notice of Opposition.
7. Applicant ADMITS that Exhibit D to the Notice of Opposition contains what purports to be a copy of a record from the U.S. Patent and Trademark Office’s (USPTO’s) trademarks web site of an application No. 85/187,825 for the mark “FARMVILLE (Stylized)”, as alleged in **Paragraph 7** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 7** of the Notice of Opposition.
8. Applicant ADMITS that Exhibit E to the Notice of Opposition contains what purports to be a copy of a US registration certificate, No. 3,840,284, for a trademark “FISHVILLE”, as alleged in **Paragraph 8** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 8** of the Notice of Opposition.
9. Applicant ADMITS that Exhibit F to the Notice of Opposition contains what purports to be a copy of a record from the USPTO’s trademarks web site of an application No. 77/979,543 for the mark “PETVILLE”, as alleged in **Paragraph 9** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 9** of the Notice of Opposition.
10. Applicant ADMITS that Exhibit G to the Notice of Opposition contains what purports to be a copy of a record from the USPTO’s trademarks web site of an application No. 77/894,903 for the mark “FRONTIERVILLE”, as alleged in **Paragraph 10** of the Notice of Opposition.

Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 10** of the Notice of Opposition.

11. Applicant ADMITS that Exhibit H to the Notice of Opposition contains what purports to be a copy of a record from the USPTO's trademarks web site of an application No. 85/187,815 for the mark "FRONTIERVILLE (Stylized)", as alleged in **Paragraph 11** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 11** of the Notice of Opposition.
12. Applicant ADMITS that Exhibit I to the Notice of Opposition contains what purports to be a copy of a US registration certificate, No. 3,994,661, for a trademark "Cityville", as alleged in **Paragraph 12** of the Notice of Opposition. Applicant further ADMITS that Exhibit I to the Notice of Opposition contains what purports to be a copy of a record from the USPTO's trademarks web site of information related to said putative registration certificate that purports to show its current ownership status. Applicant further ADMITS that Exhibit J to the Notice of Opposition contains what purports to be a copy of a record from the USPTO's trademarks web site of an application No. 85/187,572 for the mark "CITYVILLE", as alleged in **Paragraph 12** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 12** of the Notice of Opposition.
13. Applicant ADMITS that Exhibit K to the Notice of Opposition contains what purports to be a copy of a record from the USPTO's trademarks web site of an application No. 85/326,925 for the mark "VILLE", as alleged in **Paragraph 13** of the Notice of Opposition. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the remaining allegations set forth in **Paragraph 13** of the Notice of Opposition.
14. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the allegations set forth in **Paragraph 14** of the Notice of Opposition.
15. Applicant is without sufficient knowledge to admit or deny, and therefore DENIES, the allegations set forth in **Paragraph 15** of the Notice of Opposition.
16. Applicant ADMITS the allegations of **Paragraph 16** of the Notice of Opposition.

17. There is no **Paragraph 17** of the Notice of Opposition.
18. Applicant ADMITS that it had not used its mark TUNEVILLE in commerce prior to December 13, 2010. Applicant further ADMITS that it had not used its TUNEVILLE mark in commerce prior to the filing dates of any of the registrations and/or applications alleged in **Paragraph 18** of the Notice of Opposition and having filing dates prior to December 13, 2010. Applicant DENIES the remaining allegations of **Paragraph 18** of the Notice of Opposition.
19. There is no **Paragraph 19** of the Notice of Opposition.
20. Applicant ADMITS that it was aware of the FARMVILLE marks when it filed its application for its mark TUNEVILLE, but DENIES that it considered them relevant to Applicant's mark TUNEVILLE. Applicant DENIES the remaining allegations of **Paragraph 20** of the Notice of Opposition.
21. Applicant DENIES the allegations of **Paragraph 21** of the Notice of Opposition.
22. Applicant DENIES the allegations of **Paragraph 22** of the Notice of Opposition.
23. Applicant DENIES the allegations of **Paragraph 23** of the Notice of Opposition.
24. Applicant DENIES the allegations of **Paragraph 25** of the Notice of Opposition.

#### **AFFIRMATIVE DEFENSES**

25. Applicant re-urges each and every answer provided in Paragraphs 1- 24 above.

#### **No Likelihood of Confusion**

26. Applicant's goods, as recited in its application for its mark TUNEVILLE, are so categorically different, and are marketed to categorically different relevant consumers and in categorically

different channels of trade and manners, that no likelihood of confusion could arise between Applicant's mark TUNEVILLE and Opposer's putative marks.

### **Lack of Standing**

27. On information and belief, one or more of the marks alleged by Opposer to be owned by Opposer are not owned by Opposer. Accordingly, Opposer has no standing to bring this Opposition with regard to those marks not owned by Opposer..

### **Invalidity**

28. On information and belief, one or more of the marks alleged by Opposer and cited by Opposer in support of this Opposition are invalid and unenforceable.

WHEREFORE, Applicant prays that this Opposition be denied.

Dated this 28<sup>th</sup> day of November, 2011.

Respectfully submitted,

*/Guy V. Manning/*

**GUY V. MANNING**  
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was sent via email and by U.S. Postal Service, to Opposers' counsel of record at the following address:

John M. Kim  
[jkim@ipla.com](mailto:jkim@ipla.com)  
Joshua J. Richman  
[jrichman@ipla.com](mailto:jrichman@ipla.com)  
IP Legal Advisors, P.C.  
4445 Eastgate Mall, Suite 200  
San Diego, CA 92121

on this 28<sup>th</sup> day of November, 2011.

*/Guy V. Manning/*

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Guy V. Manning  
Attorney for Applicant